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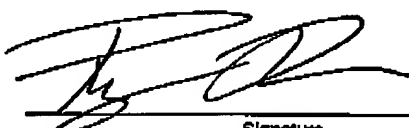
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>May 22, 2006</u></p> <p>Signature <u>Molly K. Harrison</u></p> <p>Typed or printed name <u>Molly K. Harrison</u></p>		ATI.0100440 (1376-0100440)	
		Application Number	Filed
		09/800,225	March 6, 2001
		First Named Inventor	
Branko D. KOVACEVIC			
Art Unit		Examiner	
2655		Huyen X. VO	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>51,596</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			



Signature

Ryan S. Davidson

Typed or printed name

512-439-7100

Telephone number

22 May 2006

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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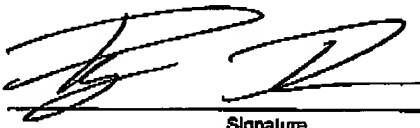
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ATT.0100440 (1376-0100440)	
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>51,596</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>Ryan S. Davidson</u> Typed or printed name <u>512-439-7100</u> Telephone number <u>22 May 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Branko D. KOVACEVIC
Title: SYSTEM AND METHOD FOR RECEPTION, PROCESSING AND
TRANSMISSION OF DIGITAL AUDIO STREAM
App. No.: 09/800,225 Filed: 03/06/2001
Examiner: Huyen X. VO Group Art Unit: 2655
Customer No.: 34456 Confirmation No.: 3322
Atty. Dkt. No.: ATL0100440 (1376-0100440)

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed January 20, 2006 (hereinafter, "the Final Action") and the Advisory Action mailed April 3, 2006, and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicant requests review of the following issues on appeal.

Anticipation Rejection of Claims 1-9, 11-14, and 32

At page 3 of the Final Action, claims 1-9, 11-14, and 32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Movshovich (U.S. 6,359,911). Claim 1, from which claims 2-9 and 11-14 depend, recites "identifying a transport packet as containing audio stream data" and "comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome *in response to identifying the transport packet as containing audio stream data.*" These elements are not disclosed or suggested by Movshovich.

Movshovich discloses an MPEG transport demultiplexor 200. *Movshovich*, FIG. 2.
According to Movshovich

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MPEG-2 allows for multiple *audio/video* programs to be provided per carrier, resulting in a multi-program transport stream (MPTS) which is a multiplex of a number of single program transport streams (SPTS). Each SPTS may contain different PES streams, *each of which carries different video, audio and possibly data information* all corresponding to a common program. Time division multiplexing (TDM) is used to concurrently transmit the multiple programs in an MPIS. *Because the MPEG-2 transport stream can include a multiplex of audio/video programs, the MPEG transport demultiplexor 200 must determine which transport packets are part of the desired program in order to pass them on to the external MPEG decoders for further processing.* The transport packets that are not part of the desired program can be discarded. The PID match unit 304 makes the determination of which PIDs are part of the desired program.

Id., col. 8, lines 11-26 (emphasis added). The Movshovich system uses a PID match unit to locate transport packets with matching PIDs and forward the packets to a local header unit. *Id.*, col. 8, lines 28-30. "The objective of the PID match unit 350 is to extract the PID information from the transport packets of the transport stream, for comparison with known PID table entries." *Id.*, col. 9, lines 17-19. Further,

Because the MPEG-2 transport stream can include a multiplex of audio/video programs, the MPEG transport demultiplexor 200 must determine which transport packets are part of the desired program in order to pass them on to the external MPEG decoders for further processing. The transport packets that are not part of the desired program can be discarded. *The PID match unit 304 makes the determination of which PIDs are part of the desired program.*

Id., col. 8, lines 18-26 (emphasis added). Thus, the comparison performed by the PID match unit is performed *on all incoming packets*, whether those packets are *audio, video or possibly data information* in order to determine which PIDs are part of a desired program. The comparison performed by the PID is not based on *whether an incoming packet contains audio stream data*. There is no disclosure or suggestion in Movshovich of comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome *in response to identifying the transport packet as containing audio stream data*, as recited in claim 1. Accordingly, Movshovich does not disclose or suggest each and every element of claim 1.

The Advisory Action states at pages 2 that Movshovich discloses that "audio streams and video streams of different programs are multiplexed together to form a PES, which is demultiplexed into respectively programs when arrived at the receiver. Audio streams are forwarded to the PID matching unit, which determines whether individual packets in the audio streams belong to a desired program. Audio packets that do not belong to a desired program are

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discarded. *So, the matching of PID is in response to the audio packets.*" *Final Action*, page 2 (emphasis added). However, as shown above, Movshovich explicitly discloses that the PID match unit automatically performs a comparison on all video packets, audio packets, and data packets. Accordingly, even if Movshovich performs matching at the PID unit in response to *receiving* an audio packet, it does not compare a value of a first field in the transport packet to a value of a first field register to determine a first outcome *in response to identifying the transport packet as containing audio stream data*, as recited in claim 1.

Claims 2-9 and 11-14 depend from claim 1. Accordingly, Movshovich fails to disclose each and every element of these claims, at least by virtue of their dependency on claim 1. In addition, these claims recite additional novel features.

With respect to claim 32, the claim recites claim recites "means for determining whether to enable audio stream data related to the transport packet to be received by a system or to discard the transport packet based at least in part on a comparison of a value of a first field in the transport packet to a value of a first field register, wherein the comparison is in response to identifying the transport packet as containing audio stream data." As explained above, Movshovich does not disclose any means for performing a comparison of a field in a transport packet *in response to identifying the transport packet as containing audio stream data*. Accordingly, Movshovich fails to disclose or suggest each and every element of claim 32.

In view of the foregoing, it is respectfully submitted that the rejection of claims 1-9, 11-14, and 32 is improper. Withdrawal of this rejection and reconsideration of the claims therefore is respectfully requested.

Obviousness Rejection of Claim 10

At page 5 of the *Final Action*, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Movshovich (US 6,329,911) in view of Van Steenbrugge (US 6,076,062). Claim 10 depends from claim 1. As explained above, Movshovich fails to disclose or suggest each and every element of claim 1. Further, Van Steebrugge does not remedy the deficiency of Movshovich. Accordingly, Movshovich and Van Steebrugge fail to disclose or suggest each and every element of claim 10, at least by virtue of its dependence on claim 1.

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Van Steebrugge discloses a system for packaging audio samples of an MPEG audio stream into burst payloads. *Van Steebrugge*, Abstract. Van Steebrugge does not disclose or suggest comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome in response to identifying the transport packet as containing audio stream data as recited by claim 1.

In view of the foregoing, it is respectfully submitted that the Office Action fails to establish that Movshovich and Van Steenbrugge, individually or in combination, disclose or suggest each and every limitation of claim 10 at least by virtue of its dependence on claim 1. Accordingly, it is respectfully submitted that the obviousness rejection of claim 10 is improper. Withdrawal of this rejection and reconsideration of the claim therefore is respectfully requested.

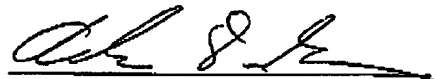
Conclusion

As discussed above, the Office fails to establish that the cited references disclose or suggest each and every element recited by any of the pending claims. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Respectfully submitted,

5/22/05

Date


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